

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN SECTION

**MONTAGNO CONSTRUCTION, INC.,**  
*Plaintiff and Defendant in Counterclaim*

vs.

**ACTION AIR, INC.**  
*Defendant and Plaintiff in Counterclaim*

**SPATH & SON, INC.**  
*Defendant*

**Civil Action No. 05-CV-30283**

STIPULATION OF DISMISSAL

**IT IS HEREBY STIPULATED AND AGREED** by the parties, pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii), that all claims, counterclaims, crossclaims and third-party claims asserted by the parties in this matter be dismissed with prejudice.

**SO STIPULATED:**

The Plaintiff,  
MONTAGNO CONSTRUCTION, INC.  
By Its Attorneys

The Defendant,  
ACTION AIR, INC.  
By Its Attorney,

/s/ Daniel J. Finnegan  
Daniel J. Finnegan, BBO #561347  
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Date: June 25, 2007

/s/ Adam J. Basch  
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Date: June 25, 2007

The Defendant,  
SPATH & SON, INC.  
By Its Attorneys

/s/ Mark Draper

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Date: June 25, 2007

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